

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION**

**CM VANTAGE SPECIALTY INSURANCE
COMPANY**

Plaintiff,

V.

**MAYFLOWER INVESTMENTS, LLC;
REBECCA SMITH, *et al.*,**

Defendants.

Civil Action No. 2:20-cv-00614

**JOINT MOTION TO AMEND RULE 16
SCHEDULING ORDER AND DISCOVERY PLAN**

NOW COME Plaintiff, CM VANTAGE SPECIALTY INSURANCE COMPANY, and the Defendants, MAYFLOWER INVESTMENTS, LLC, and REBECCA SMITH, *et al.*, by and through their respective attorneys, and request this Court to amend the Rule 16 Scheduling Order and Discovery Plan. In support of the Joint Motion, the parties state the following:

1. This matter arises out of an insurance coverage dispute involving Plaintiff's defense and indemnity obligation Defendant's, Mayflower Investments, LLC, in connection with an action pending in Montgomery County, Alabama, styled *Smith, et al., v. AMG Red Lion, LLC, et al.*, Case No. 2018-902004.

2. On December 21, 2020, the parties submitted a Report of Rule 26(f) Conference and Proposed Scheduling Order, whereby the parties were to exchange Rule 26(a)(1) disclosures by January 18, 2021, and fact discovery is to end on April 26, 2021. Dkt. #22.

3. On February 19, 2021, the Court entered a Uniform Scheduling Order, in which the Court ordered discovery to be completed by July 20, 2021, and dispositive motions to be filed no later than August 17, 2021.

4. The parties to the underlying action, including Defendants, have participated in mediation, and are continuing in their attempts to resolve the underlying action.

5. Defendants have not yet served Rule 26(a)(1) Disclosures.

6. The parties to this action request that this Court modify the discovery plan and Schedule Order as follows:

- a. By stipulation of the parties, all parties are to exchange Rule 26(a)(1) disclosures by May 14, 2021;
- b. Deadline for Joinder of Parties/Amendment of Pleadings: June 4, 2021;
- c. Fact Discovery Cut-off: August 13, 2021;
- d. Plaintiff's Rule 26(a)(2) Disclosures: September 10, 2021;
- e. Plaintiff's Rule 26(a)(2) Depositions: October 8, 2021;
- f. Defendant's Rule 26(a)(2) Disclosures: November 5, 2021;
- g. Defendant's Rule 26(a)(2) Depositions: December 3, 2021;
- h. Deadline for filing of Rule 56 Motions: January 7, 2022; and
- i. Deadline for any motion challenging the qualification of a designated expert must be made by December 3, 2021.

7. The parties request that the Court reschedule the pretrial conference scheduled for January 26, 2022, and the trial scheduled for March 14, 2022.

WHEREFORE the Plaintiff, CM VANTAGE SPECIALTY INSURANCE COMPANY, and the Defendants, MAYFLOWER INVESTMENTS, LLC, and REBECCA SMITH, *et al.*, by

and through their respective attorneys, and request that this Court adopt and incorporate the discovery plan set forth in ¶6, and reschedule the pretrial conference and trial, and for such other further relief as this Court deems just and equitable.

Respectfully submitted,

**CM VANTAGE SPECIALTY
INSURANCE COMPANY,**

By: /s/ Amy Johnson
One of its Attorneys

Respectfully submitted,

MAYFLOWER INVESTMENTS, LLC,

By: /s/ Rod Hines
One of its Attorneys

Respectfully submitted,

REBECCA SMITH, et al.

By: /s/ Charles Hudson
One of its Attorneys

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CERTIFICATE OF SERVICE

I, Amy Johnson, hereby certify that on April 6, 2021, a true and correct copy of ***Joint Motion to Amend*** was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the all counsel of record who have heretofore appeared in this matter.

/s/ Amy Johnson